

# **SENATE, No. 622**

## **STATE OF NEW JERSEY**

### **215th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senator Allen**

**SYNOPSIS**

Increases penalties for harboring or concealing a sex offender.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 3/6/2012)**

1 AN ACT concerning harboring or concealing sex offenders and  
2 amending N.J.S.2C:29-3.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. N.J.S.2C:29-3 is amended to read as follows:

8 2C:29-3. Hindering Apprehension or Prosecution.

9 a. A person commits an offense if, with purpose to hinder the  
10 detention, apprehension, investigation, prosecution, conviction or  
11 punishment of another for an offense or violation of Title 39 of the  
12 New Jersey Statutes or a violation of chapter 33A of Title 17 of the  
13 Revised Statutes he:

14 (1) Harbors or conceals the other;

15 (2) Provides or aids in providing a weapon, money,  
16 transportation, disguise or other means of avoiding discovery or  
17 apprehension or effecting escape;

18 (3) Suppresses, by way of concealment or destruction, any  
19 evidence of the crime, or tampers with a witness, informant,  
20 document or other source of information, regardless of its  
21 admissibility in evidence, which might aid in the discovery or  
22 apprehension of such person or in the lodging of a charge against  
23 him;

24 (4) Warns the other of impending discovery or apprehension,  
25 except that this paragraph does not apply to a warning given in  
26 connection with an effort to bring another into compliance with  
27 law;

28 (5) Prevents or obstructs, by means of force, intimidation or  
29 deception, anyone from performing an act which might aid in the  
30 discovery or apprehension of such person or in the lodging of a  
31 charge against him;

32 (6) Aids such person to protect or expeditiously profit from an  
33 advantage derived from such crime; or

34 (7) Gives false information to a law enforcement officer or a  
35 civil State investigator assigned to the Office of the Insurance Fraud  
36 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-  
37 16).

38 **[The]** (a) Except as provided in subparagraph (b) of this  
39 paragraph, the offense is a crime of the third degree if the conduct  
40 which the actor knows has been charged or is liable to be charged  
41 against the person aided would constitute a crime of the second  
42 degree or greater, unless the actor is a spouse, parent or child of the  
43 person aided, in which case the offense is a crime of the fourth  
44 degree. The offense is a crime of the fourth degree if such conduct

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 would constitute a crime of the third degree. Otherwise it is a  
2 disorderly persons offense.

3 (b) The offense is a crime of the third degree and the actor shall  
4 be sentenced to a minimum term of imprisonment of three years  
5 without eligibility for parole if the actor harbored or concealed a  
6 person who has been convicted, adjudicated delinquent or found not  
7 guilty by reason of insanity for the commission of a sex offense. As  
8 used in this subparagraph, "sex offense" has the meaning as defined  
9 in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2).

10 b. A person commits an offense if, with purpose to hinder his  
11 own detention, apprehension, investigation, prosecution, conviction  
12 or punishment for an offense or violation of Title 39 of the New  
13 Jersey Statutes or a violation of chapter 33A of Title 17 of the  
14 Revised Statutes, he:

15 (1) Suppresses, by way of concealment or destruction, any  
16 evidence of the crime or tampers with a document or other source of  
17 information, regardless of its admissibility in evidence, which might  
18 aid in his discovery or apprehension or in the lodging of a charge  
19 against him; or

20 (2) Prevents or obstructs by means of force or intimidation  
21 anyone from performing an act which might aid in his discovery or  
22 apprehension or in the lodging of a charge against him; or

23 (3) Prevents or obstructs by means of force, intimidation or  
24 deception any witness or informant from providing testimony or  
25 information, regardless of its admissibility, which might aid in his  
26 discovery or apprehension or in the lodging of a charge against him;  
27 or

28 (4) Gives false information to a law enforcement officer or a  
29 civil State investigator assigned to the Office of the Insurance Fraud  
30 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-  
31 16).

32 The offense is a crime of the third degree if the conduct which  
33 the actor knows has been charged or is liable to be charged against  
34 him would constitute a crime of the second degree or greater. The  
35 offense is a crime of the fourth degree if such conduct would  
36 constitute a crime of the third degree. Otherwise it is a disorderly  
37 persons offense.

38 (cf: P.L.1999, c.297, s.1)

39  
40 2. This act shall take effect immediately.

#### 41 42 43 STATEMENT

44  
45 This bill increases the penalties for harboring or concealing a sex  
46 offender. Under the provisions of the bill, a violation of  
47 N.J.S.2C:29-3, Hindering Apprehension or Prosecution, would  
48 constitute a crime of the third degree, with a mandatory minimum

1 term of three years without eligibility for parole, if the person  
2 harbored or concealed a person who has been convicted,  
3 adjudicated delinquent or found not guilty by reason of insanity for  
4 the commission of a sex offense. A crime of the third degree is  
5 punishable by imprisonment for three to five years, a fine of up to  
6 \$15,000, or both.